

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION  
BHOPAL**

**Sub: Petition under Section 86(1)(f) of the Electricity Act, 2003 read with Articles 4.3 and 13.5 of the Power Purchase Agreement dated 05.01.2011 executed between MB Power (Madhya Pradesh) Ltd. and MP Power Management Company Ltd. (MPPMCL) seeking directions to MPPMCL to release payment of the Capacity Charges to MB Power based on capacity declared available by MB Power on day ahead basis during April' 2020 and May' 2020 along with the Late Payment Surcharge.**

**Petition No. 01 of 2021**

**ORDER**

(Hearing through Video Conferencing)  
(Date of Motion Hearing: 23<sup>rd</sup> February' 2021)  
(Date of Order: 26<sup>th</sup> February' 2021)

**M/s M.B. Power (Madhya Pradesh) Ltd.,**  
239, Okhla Industrial Estate, Phase-III,  
New Delhi – 110020

- **Petitioner**

Vs.

1. **The Managing Director**  
M.P. Power Management Company Ltd.,  
Block No. 2, Shakti Bhawan, Rampur, Jabalpur – 482008

2. **The Managing Director**  
M. P. Poorv Kshetra Vidyut Vitaran Co. Ltd.  
Shakti Bhawan, Rampur, Jabalpur – 482008.

3. **The Managing Director**  
M. P. Madhya Kshetra Vidyut Vitaran Co. Ltd.  
Nishtha Parisar, Govindpura, Bhopal – 462023

4. **The Managing Director**  
M. P. Paschim Kshetra Vidyut Vitaran Co. Ltd.  
GPH Compound, Pologround, Indore.

- **Respondents**

Shri Akshat Jain, Advocate and Shri Abhishek Gupta, GM appeared on behalf of the petitioner.

The petitioner has filed the subject petition under Section 86(1)(f) of the Electricity Act, 2003 read with Articles 4.3 and 13.5 of the Power Purchase Agreement dated 05.01.2011 executed between MB Power (Madhya Pradesh) Ltd. and MP Power Management Company Ltd. (MPPMCL) seeking directions to MPPMCL to release payment of the Capacity Charges to MB Power based on capacity declared by MB Power on day ahead basis during April' 2020 and May' 2020 along with the Late Payment Surcharge.

2. The petitioner has prayed the following in the subject petition:
- (a) Direct MPPMCL to make payment of Capacity Charges deducted by it for the supply period of April' 2020 and May' 2020 forthwith to MB Power;
  - (b) Direct MPPMCL to pay Late Payment Surcharge corresponding to such deducted Capacity Charges accrued till the date of making final payment to MB Power in terms of the applicable provisions of the PPA.

**Sub: Petition under Section 86(1)(f) of the Electricity Act, 2003 read with Articles 4.3 and 13.5 of the Power Purchase Agreement dated 05.01.2011 executed between MB Power (Madhya Pradesh) Ltd. and MP Power Management Company Ltd. (MPPMCL) seeking directions to MPPMCL to release payment of the Capacity Charges to MB Power based on capacity declared available by MB Power on day ahead basis during April' 2020 and May' 2020 along with the Late Payment Surcharge.**

3. At the last motion hearing held on the 9<sup>th</sup> February' 2021, the petitioner had sought adjournment in this matter as their Counsel was not available due to some personal difficulty. Considering the request of the petitioner, the case was re-scheduled for motion hearing on 23<sup>rd</sup> February' 2021.

4. At the motion hearing held on 23<sup>rd</sup> February' 2021, Ld. Counsel who appeared for the petitioner has requested the following:

- i. To allow petitioner to withdraw the subject petition due to certain reasons.
- ii. To grant liberty to the petitioner to file a fresh petition in this matter.
- iii. To adjust the fee deposited with the subject petition as and when afresh petition is filed by the petitioner in this matter.

5. Considering the request, the petitioner is allowed to withdraw the subject petition and the petitioner shall be at liberty to file afresh petition as and when required.

6. The request made by Ld. Counsel of the petitioner for adjustment of fee filed with the subject petition in the afresh petition if any, filed by the petitioner in future is not considered by the Commission since the petitioner has withdrawn the subject petition.

With the above direction, the subject petition is disposed of.

**(Shashi Bhushan Pathak)**  
**Member**

**(Mukul Dhariwal)**  
**Member**

**(S.P.S. Parihar)**  
**Chairman**